

# **EXHIBIT 54**

IN THE UNITED STATE DISTRICT COURT  
EASTERN DISTRICT OF VIRGINIA  
NORFOLK DIVISION

No. 2:18cv530

CSX TRANSPORTATION, INC.,  
individually and on behalf of NORFOLK  
& PORTSMOUTH BELT LINE RAILROAD  
COMPANY,

Plaintiff,

v.

NORFOLK SOUTHERN RAILWAY COMPANY,  
et al.,

Defendants.

Remote Proceedings

January 8, 2021

9:31 a.m. - 3:50 p.m.

VIDEO DEPOSITION OF FREDRIK ELIASSON  
(via Teleconference)

Taken before SUZANNE VITALE, R.P.R., F.P.R.  
and Notary Public for the State of Florida at Large,  
pursuant to Notice of Taking Deposition filed in the  
above cause.

Job No. CS4380445

1 the subsidy was.

2 Q. Understood. In this 2009-2010 time  
3 frame -- let me back up.

4 There is a phrase in this case,  
5 "double-stack clearance." What does that mean to  
6 you?

7 A. It means to me that you have the ability  
8 to take a train with two containers high so that you  
9 have the clearance to take the train from  
10 Hampton Roads, for example, to these discretionary  
11 points.

12 Q. Double -- you can double-stack the  
13 containers, right?

14 A. Two containers high, that allows,  
15 obviously, you to essentially handle twice as much  
16 cargo on one train versus single stack.

17 Q. And railroads want to have double-stacking  
18 capabilities, right?

19 A. That is correct.

20 Q. And can you give me the reasons why that's  
21 beneficial to a railroad?

22 A. It's -- economically, it allows us to  
23 compete at a different rate point. And if one  
24 railroad has it over another, that gives that  
25 railroad a competitive advantage. It's not all of

1       it, but it certainly gives them a competitive  
2       advantage.

3           Q.     And it's in a railroad's interest to put  
4       as many containers on a railcar as possible when  
5       moving that or making that movement, right?

6           A.     That's correct.

7           Q.     In 2009 or 2010, was any part of CSX's  
8       network or -- allow -- did it allow for double-stack  
9       movement?

10          A.     There were many parts of CSX's network  
11       that allowed for double-stack movement. And there  
12       were some ports, specifically coming out of Norfolk,  
13       that at that point did not allow for it, which is  
14       why we started this very significant undertaking,  
15       public-private partnership to do double-stack  
16       clearance on that line, I think very similar to what  
17       Norfolk Southern did as well.

18          Q.     So in 2009, if I understand you correctly,  
19       CSX did not have double-stack clearance coming out  
20       of the Hampton Roads ports; is that right?

21          A.     I think that was correct. And I don't  
22       think at that point -- I'm not sure that  
23       Norfolk Southern had that either. I think their  
24       Crescent Corridor or Heartland Corridor, whatever it  
25       was called, also was -- was being worked on at that

1 point.

2 Q. Do you recall when -- when  
3 Norfolk Southern achieved double-stack clearance out  
4 of the Hampton Roads ports?

5 A. I do not. I think they -- they achieved  
6 that earlier than CSX, maybe a year or two, three.  
7 I can't remember exactly the timing. But it was --  
8 they were ahead of us on that point.

9 Q. When did CSX achieve double-stack  
10 clearance out of the Hampton Roads port?

11 A. I don't recall when the National Gateway  
12 was done. I don't recall that exactly.

13 Q. You worked on the National Gateway  
14 project, right?

15 A. Yeah. I supported some of that -- I mean,  
16 my team supported the economical analysis. And I  
17 was -- I think I helped with some of the meetings  
18 and so forth when required, but I wasn't directly  
19 involved. It was headed up by a different group.  
20 But all of the economic analysis behind it was  
21 probably done by my group, I would think.

22 Q. And you participated with Mr. Ward, the  
23 president and CEO of CSX, in terms of going out and  
24 trying to get funding from the states and other --  
25 other sources, right?

1 the lack of access, I should say.

2 Q. And just so we're clear -- I think this is  
3 consistent with your prior testimony -- the access  
4 related to the cost of access, right?

5 A. One more time.

6 Q. Sure. You would agree with me that CSX  
7 had the ability to access NIT using the Belt Line,  
8 right?

9 A. That was my understanding. There was some  
10 operational challenges that had to be ironed out in  
11 terms of the track issue right over NS and some of  
12 the curvature. But the big challenge that we were  
13 facing at this point was really around economic  
14 access.

15 Q. Okay. If you could open up folder number  
16 2.

17 A. I have it open.

18 Q. And this is going to be Exhibit 5 to your  
19 deposition.

20 (Thereupon, the referred-to document was  
21 marked for identification as Plaintiff's Exhibit 5.)

22 BY MR. LACY:

23 Q. It looks to be an e-mail exchange amongst  
24 you and Ms. Coleman and other board members.

25 The first e-mail in time looks to be an